

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**CIVIL MINUTES - GENERAL**

Case No.	CV 09-7122 GAF (SSx)	Date	October 5, 2009
Title	Carla Giesen et al v. U.S. Bancorp et al		

Present: The Honorable	<b>GARY ALLEN FEESS</b>	
Renee Fisher	None	N/A
Deputy Clerk	Court Reporter / Recorder	Tape No.
Attorneys Present for Plaintiff:	Attorneys Present for Defendant:	
None	None	

**Proceedings: (In Chambers)****ORDER TO SHOW CAUSE RE: TIMELY REMOVAL**

Plaintiffs Carla and Bryan Giesen instituted the present lawsuit against Defendants U.S. Bancorp ("USB"), U.S. Century Mortgage ("USCM"), and Does 1-10 (collectively "Defendants") in Los Angeles Superior Court. USB's Notice of Removal alleges that Plaintiffs filed the complaint on July 27, 2009 and that USB did not receive the complaint until September 1, 2009. (Not. of Removal ¶¶ 1, 2.) Because USB filed a Notice of Removal on September 30, 2009, USB argues that the removal is within the thirty-day time limit of 28 U.S.C. § 1446(b).

However, there is no evidence attached to USB's Notice of Removal to corroborate USB's allegation. The complaint filed by Plaintiffs was in fact filed on July 27, 2009. However, there is no proof of service attached indicating that USB was served on September 1, 2009. Thus, without additional evidence to support USB's allegation regarding the date of service of process, this Court cannot determine whether or not USB timely filed for removal as required by 28 U.S.C. § 1446(b).

Accordingly, Defendant USB is **ORDERED TO SHOW CAUSE** by no later than **Friday, October 16, 2009** why this case should not be remanded to state court for procedural defects in the removal.

**IT IS SO ORDERED.**